US DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
APR - 2000
NANCY DOHERTY, CLERK
By ______ Deputy

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THOMAS J. RIORDAN, Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 300CV0715-M
	§	
THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL SCHOOL AT DALLAS and PAUL MOHL, M.D. Defendants.	§	

NOTICE OF REMOVAL

NOW COMES Defendants The University of Texas Southwestern Medical School at Dallas and Paul Mohl, M.D. and respectfully show that:

1. **Removal Provision:** This removal is pursuant to 28 U.S.C. § 1441(b). Plaintiff alleges that he was placed on probation without due process while he was a psychiatric resident with the University of Texas Southwestern Medical School at Dallas in violation of §1 of the Fourteenth Amendment to the U.S. Constitution.

2. **State Action:** This action was originally filed in the 95th Judicial District Court of Dallas County, Texas on March 3, 2000 in Cause No. 00-01608. Plaintiff is Thomas J. Riordan, M.D. Defendants are The University of Texas Southwestern Medical School at Dallas ("UTSW") and Paul Mohl, M.D. ("Mohl"). Venue is proper in the United States District Court for the Northern District of Texas, Dallas Division.

3. **Nature of the Lawsuit:** Thomas J. Riordan, M.D. ("Plaintiff") alleges that he was employed as a resident in the Department of Psychiatry at UTSW. Plaintiff filed suit in this Court claiming that Defendants placed him on probation without affording him due process. Plaintiff now seeks a temporary injunction to: dissolve *nunc pro tunc,* the probation and finding of deficient patient care; restrain Defendants from maintaining his probation; restrain Defendants from advising any person or entity the Plaintiff was on probation or had any patient care deficiencies; and mandate that Defendants inform any person or entity which Defendants had advised that Plaintiff was on probation or was found to have unspecified deficiencies in patient care, that said probation or any associated finding was dissolved by this Court.

Plaintiff also seeks a permanent injunction against Defendants to enjoin them from: establishing *ex post facto* standards for probation and holding another probation hearing; advising any person or entity the Plaintiff was on probation or that any probation was ever considered for Plaintiff; advising any person or entity that Plaintiff had any problems in providing patient care unless he was advised of the nature of those problems, had an opportunity to review with the persons complaining of those problems the specific complaints being made, and refused to or failed to correct those problems after having a reasonable opportunity to do so; and making permanent the relief sought in the Temporary Injunction.

Plaintiff also seeks the recovery of reasonable attorney's fees.

4. **Jury Demand:** Plaintiff has not requested a trial by jury.

5. **Removal Requirements of § 1441:** Plaintiff's allegations regarding his constitutionally protected rights to due process and his liberty interest in his reputation and ability to travel from state to state to obtain licenses to practice medicine in and among several states raises a federal question under the United States Constitution, Amendment XIV, §1. Plaintiff's state claim arises from the same alleged due process violations and his liberty interest in his reputation and ability to travel from state to state to obtain licenses to practice medicine in and among several states (Article 1, §19 of the Texas Constitution).

6. **Compliance with Deadline:** Plaintiff's original petition was served on both Defendants UTSW and Mohl on March 7, 2000. Thus, this removal is timely. Defendants filed their original answers in state court on April 3, 2000.

7. **State Court Pleadings:** A true and correct copy of all process and pleadings served upon Defendants in the state court action are being filed with this notice as required by 28 U.S.C. § 1446(a). There have been no orders entered by the state judge. Also attached is a copy of the state court docket sheet request and an index of matters being filed

ACCORDINGLY, Defendants pray that this cause be removed to the United States District Court for the Northern District of Texas, Dallas Division, pursuant to §1441 of Title 28 of the UNITED STATES CODE.

Respectfully submitted,

JOHN CORNYN
Attorney General of Texas

ANDY TAYLOR
First Assistant Attorney General

LINDA EADS
Deputy Attorney General for Litigation

TONI HUNTER
Chief, General Litigation Division

MAUREEN MCCARTHY FRANZ
Texas Bar No. 24011516
Assistant Attorney General
General Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120
(512) 320-0667 FAX

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent via certified mail, return receipt requested on April 4, 2000 to:

Jeffrey C. Poster, Esq.
The Zisman Law Firm, P.C.
200 Renaissance Place
714 Jackson Street
Dallas, TX 75202-4534

MAUREEN MCCARTHY FRANZ
Assistant Attorney General